

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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N.R.,

Plaintiff,

COMPLAINT

-against-

CITY OF NEW YORK, a municipal corporation;
NEW YORK CITY ADMINISTRATION FOR CHILDREN'S
SERVICES f/k/a BUREAU OF CHILD WELFARE; THE NEW
YORK FOUNDLING f/k/a THE NEW YORK FOUNDLING
HOSPITAL, SISTERS OF CHARITY NEW YORK, CATHOLIC
CHARITIES COMMUNITY SERVICES ARCHDIOCESE OF
NEW YORK, and ARCHDIOCESE OF NEW YORK.

Index No. _____

Defendants.

-----X

TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, N.R., by and through undersigned counsel, respectfully shows to this Court and alleges as follows:

INTRODUCTION

This is a revival action brought pursuant to the New York Child Victims Act, CPLR § 214-g. The Plaintiff, when she was a minor, was continually sexually assaulted by Vincent Manniello, her foster father, from 1957 to 1971. Plaintiff was placed in the care of the Vincent Manniello and his wife, Elsie, by The New York Foundling (formerly known as The New York Foundling Hospital), a foster care agency, and the Bureau of Child Welfare, the predecessor of the New York City Administration for Children's Services. The Bureau of Child Welfare was a department of the City of New York. The New York Foundling is managed, operated, owned and/or controlled

by the Sisters of Charity Federation, Inc., Catholic Charities Community Services Archdiocese of New York, and/or the Archdiocese of New York.

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, N.R., is a citizen and resident of the State of New York. Plaintiff brings this Complaint using her initials because of the sensitive nature of the allegations of child sexual abuse in the Complaint, which is a matter of the utmost intimacy. Plaintiff does not want to be at risk for further humiliation, trauma and psychological damage if her identity as a victim of child sexual abuse were to become publicly known.

2. Defendant, CITY OF NEW YORK (hereinafter referred to as "CITY"), is a municipal corporation, incorporated pursuant to the laws of the State of New York.

3. Defendant, NEW YORK CITY ADMINISTRATION FOR CHILDREN'S SERVICES f/k/a BUREAU OF CHILD WELFARE (hereinafter referred to as "ACS"), is authorized by New York law to care for children in foster care. Children in foster care are in the legal custody of the Commissioner of ACS and its predecessor agencies. ACS has a principal place of business located at 150 William Street, New York, New York 10038. Upon information and belief, defendant ACS was known as the Bureau of Child Welfare between 1951 and 1971. ACS is a citizen and resident of the State of New York.

4. Defendant, THE NEW YORK FOUNDLING f/k/a THE NEW YORK FOUNDLING HOSPITAL (hereinafter referred to as "FOUNDLING") is a not-for-profit New York corporation organized under the laws of the State of New York and is an "authorized agency" as defined in New York Social Services Law § 371 with a principal place of business located at 590 Avenue of the Americas, New York, New York 10011. FOUNDLING is a citizen and resident of the State of New York.

5. Defendant, SISTERS OF CHARITY NEW YORK (hereinafter referred to as "SISTERS OF CHARITY"), is a not-for-profit New York corporation organized under the laws of the State of New York with a principal place of business located at 6301 Riverdale Avenue, Bronx, New York 10471. SISTERS OF CHARITY is a citizen and resident of the State of New York.

6. Defendant, CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK (hereinafter referred to as "CATHOLIC CHARITIES") is a not-for-profit New York corporation organized under the laws of the State of New York with a principal place of business located at 1011 First Avenue, New York, New York 10022. CATHOLIC CHARITIES was founded in 1917 and is a federation of approximately 90 agencies that provided various services, including foster care services, to both Catholics and non-Catholics in the boroughs of Manhattan, the Bronx and Staten Island, as well as parts of the Hudson Valley. CATHOLIC CHARITIES is a citizen and resident of the State of New York.

7. Defendant, ARCHDIOCESE OF NEW YORK (hereinafter referred to as "ARCHDIOCESE"), is a religious institution and organization with principal offices located at 1011 First Avenue, New York, New York 10022. The ARCHDIOCESE controls all Catholic religious, pastoral and educational functions in the boroughs of Manhattan, the Bronx and Staten Island, and in other counties in the greater New York metropolitan area. The ARCHDIOCESE operates and controls approximately 370 parishes, 274 schools and 90 Catholic charities. The ARCHDIOCESE is a citizen and resident of the State of New York.

8. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

9. Personal jurisdiction lies over Defendants as they are present and domiciled in the State of New York.

10. Venue of this action lies in New York County and a substantial part of the events or omissions giving rise to the claim occurred in New York County or one of the Defendants resides in New York County.

BACKGROUND AND SEXUAL ASSAULT OF THE PLAINTIFF

11. Plaintiff was placed in foster care in approximately 1957 by defendant CITY and Bureau of Child Welfare, the predecessor entity of defendant ACS, when she was approximately one and a half years old due to alleged neglect by her biological mother.

12. Defendant CITY and the Bureau of Child Welfare, the predecessor entity of defendant ACS, referred Plaintiff to defendant FOUNDLING for foster care placement in approximately 1957.

13. In approximately 1957, Plaintiff was placed in the custody, care and control of Vincent and Elsie Manniello of 28 Joline Lane, Staten Island, New York by defendant FOUNDLING.

14. Shortly after Plaintiff's placement with the Manniello family by the Defendants, Vincent Manniello, Plaintiff's foster father, began exposing Plaintiff to photographs of animals procreating and heterosexual pornography.

15. Thereafter, Vincent Manniello began sexually and physically abusing Plaintiff on multiple occasions from approximately 1957 through 1971.

16. The acts of sexual abuse committed by Vincent Manniello included, but were not limited to, kissing, fondling of Plaintiff's breasts, exposing himself to Plaintiff, masturbating in

front of Plaintiff, forcing Plaintiff to masturbate Vincent Manniello, performing oral sex on Plaintiff, and attempted rape/vaginal penetration.

17. Vincent Manniello would threaten Plaintiff if she would fight or otherwise protest against the ongoing sexual abuse. Additionally, Vincent Manniello would threaten to sexually abuse another infant foster child in his care, custody and control if Plaintiff continued to resist and failed to acquiesce to the ongoing sexual abuse.

18. In approximately 1964, when Plaintiff was approximately nine (9) years old, she told her older biological sister, M.R., that she was being sexually abused by Vincent Manniello. M.R. was also sexually abused by Vincent Manniello.

19. In approximately 1965-1966, when Plaintiff's sister, M.R., was approximately fifteen (15) or sixteen (16) years old, she ran away from the Manniello family and reported the ongoing sexual abuse of Plaintiff by Vincent Manniello to the Defendants.

20. In 1966, when she was approximately ten (10) years old, Plaintiff underwent a psychological evaluation authorized, supervised and/or otherwise requested and reviewed by the Defendants which revealed that Plaintiff was inordinately focused on sex. During the course of the evaluation, Plaintiff expressly focused on punishment by a male/father figure and/or the threatening nature of a male/father figure.

21. "Social Record of Child" records provided by the Defendants dated April 18, 1968 reflect that Plaintiff's sister, M.R., reported concerns regarding Plaintiff's condition and sexual abuse by Vincent Manniello.

22. "Social Record of Child" records provided by the Defendants dated October 30, 1968 reflect that Plaintiff's sister, M.R., again advised the Defendants that Vincent Manniello had been "molesting" her.

23. "Social Record of Child" records provided by the Defendants dated April 19, 1969 reflect that the case worker assigned to Plaintiff discussed the sexual abuse occurring at the Manniello residence with Plaintiff's foster mother, Elsie Manniello.

24. "Social Record of Child" records provided by the Defendants dated April 24, 1969 again reflect that M.R. reported concerns regarding the sexual abuse by Vincent Manniello to the Defendants.

25. Plaintiff was not immediately removed from Vincent Manniello's custody, care or control or otherwise protected from the ongoing sexual and physical abuse despite the Defendants' awareness of same. The sexual and physical abuse of Plaintiff continued after the Defendants were made aware of Vincent Manniello's prior abuse of Plaintiff.

26. In approximately 1971, approximately six (6) years after the sexual abuse was reported to the Defendants, Plaintiff was removed from the Manniello family. The Defendants' records merely reflect that Plaintiff was "transferred" and did not expressly identify the reason for removal.

NOTICE – FORESEEABILITY

27. Upon information and belief, Vincent Manniello was at all relevant times a serial sexual predator who sexually abused children placed in his custody and control by the Defendants.

28. In approximately 1965-1966, Plaintiff's older sister, M.R., notified the Defendants about the ongoing sexual abuse occurring at the Manniello residence.

29. In 1966, when she was approximately ten (10) years old, Plaintiff underwent a psychological evaluation authorized, supervised or otherwise requested by the Defendants which revealed that Plaintiff was inordinately focused on sex. During the course of the evaluation,

Plaintiff expressly focused on punishment by a male/father figure and/or the threatening nature of a male/father figure.

30. "Social Record of Child" records provided by the Defendants dated April 18, 1968 reflect that Plaintiff's sister, M.R., reported concerns regarding Plaintiff's condition and sexual abuse by Vincent Manniello.

31. "Social Record of Child" records provided by the Defendants dated October 30, 1968 reflect that Plaintiff's sister, M.R., again advised the Defendants that Vincent Manniello had been "molesting" her.

32. "Social Record of Child" records provided by the Defendants dated April 19, 1969 reflect that the case worker assigned to Plaintiff discussed the sexual abuse occurring at the Manniello residence with Plaintiff's foster mother.

33. "Social Record of Child" records provided by the Defendants dated April 24, 1969 again reflect that M.R. reported concerns regarding the sexual abuse by Vincent Manniello.

34. In approximately November 1970, Plaintiff's older sister, M.R. and her then-husband, wrote to Defendant FOUNDLING expressing concern over Plaintiff's condition, performance in school and overall well-being. M.R. and her then-husband requested that Plaintiff be removed from the Manniello residence.

35. In approximately December 1970, Plaintiff's older sister, M.R. and her then-husband, met with James V. Campise of Defendant FOUNDLING, to discuss the condition of the Plaintiff and her brother. In correspondence from approximately December 1970, M.R. and her then-husband again expressed concerns over Plaintiff's condition and overall well-being and requested that Plaintiff be removed from the Manniello residence.

36. At all relevant times, the Defendants knew or in the exercise of reasonable care should have known that Vincent Manniello had a propensity for the conduct which caused injury to Plaintiff, particularly that he had a propensity to engage in the sexual abuse of children.

37. At all relevant times, it was reasonably foreseeable to the Defendants that Vincent Manniello would commit acts of child sexual abuse or assault on a child.

38. At all relevant times, the Defendants knew or should have known that Vincent Manniello was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his counsel, care and/or protection.

39. With such actual or constructive knowledge, the Defendants provided Vincent Manniello unfettered access to Plaintiff and gave him the opportunity to commit foreseeable acts of child sexual abuse or assault.

DUTY

40. At all times relevant and material hereto, defendant CITY was responsible for providing protection and safety and to insure the well-being of New York City's children by providing foster care services for children who needed same.

41. At all times relevant and material hereto, defendant CITY had a duty to use reasonable care in the investigation, licensing, supervision and/or monitoring of foster care facilities, homes and/or families with whom it places foster children and/or to develop or implement programs, guidelines, procedures and/or training to prevent the abuse of foster children placed within foster care facilities, homes and/or families.

42. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, was a department of defendant CITY and was responsible for providing protection and safety and to insure the well-being of New York City's children by providing foster care services for children who needed same.

43. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, provided child welfare, child protective and child care services by contracting with private not-for-profit organizations to provide foster care services.

44. By reason of the foregoing, defendant CITY was and is vicariously liable for acts and omissions of defendant ACS and its predecessor agency, Bureau of Child Welfare, and the private non-profit organizations with which defendant ACS and its predecessor agency, Bureau of Child Welfare, contracted with to provide foster care services.

45. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, provided the above-mentioned child welfare, child protective and child care services as a department of defendant CITY.

46. At all times relevant and material hereto, defendant ACS and/or its predecessor entities, was the legal guardian of Plaintiff and owed Plaintiff a duty of reasonable care to protect her from foreseeable harm.

47. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, owed a non-delegable duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while she was under its care and custody. Defendant ACS's duties encompassed using reasonable care in the supervision of children in its custody and control, as well as a duty to use reasonable care in the retention and supervision of foster parents such as Vincent Manniello.

48. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, owed a non-delegable duty to use reasonable care in the investigation, licensing, supervision and/or monitoring of foster care facilities, homes and/or families with whom it places foster children.

49. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, owed a non-delegable duty to exercise reasonable care in the training of employees, case workers, and/or agents in the prevention of sexual abuse and protection of the safety of children in its care, custody and/or control.

50. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, owed a non-delegable duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of children in its care, custody and/or control.

51. At all times relevant and material hereto, defendant ACS and its predecessor agency, Bureau of Child Welfare, had a non-delegable duty, with regard to children in foster care, to:

- a. To evaluate and investigate all reports of child abuse and/or neglect;
- b. To visit children in foster home placements in accordance with the requirements for children in custody;
- c. To investigate all relevant conditions of the foster home that might affect the child;
- d. To report any violations of the home's operating license or requirements;
- e. To ensure that foster children residing in a foster home are supervised at all times by authorized adult caregivers;
- f. To continually assess the adequacy and safety of a child's particular placement;
- g. To make appropriate referrals for evaluations or services, and provide each child in foster care with quality services to protect his or her safety and health;
- h. To establish all necessary plans of care;

54. At all times relevant and material hereto, defendant FOUNDLING was responsible for providing protection and safety and to insure the well-being of New York City's children by providing foster care services for children who needed same.

55. At all times relevant and material hereto, defendant FOUNDLING provided child welfare, child protective and child care services by contracting with defendant ACS and its predecessor agency, Bureau of Child Welfare, and/or otherwise agreeing to provide foster care services for children who needed same.

56. At all times relevant and material hereto, defendant FOUNDLING provided child welfare, child protective and child care services by providing foster care services which included providing a safe and stable home for foster children.

57. At all times relevant and material hereto, defendant FOUNDLING and Plaintiff were in a special relationship in which defendant FOUNDLING owed Plaintiff a duty of reasonable care to protect him from foreseeable harm.

58. At all times relevant and material hereto, defendant FOUNDLING and Vincent Manniello were in a special relationship in which Defendant FOUNDLING owed a duty to control the acts and conduct of Vincent Manniello to prevent foreseeable harm.

59. At all times relevant and material hereto, defendant FOUNDLING and/or its predecessor entity, was the legal guardian of Plaintiff and owed Plaintiff a duty of reasonable care to protect her from foreseeable harm.

60. At all times relevant and material hereto, defendant FOUNDLING owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while she was under its care and custody. Defendant FOUNDLING's duties encompassed using

reasonable care in the supervision of children in its custody and control, as well as a duty to use reasonable care in the retention and supervision of foster parents such as Vincent Manniello.

61. At all times relevant and material hereto, defendant FOUNDLING had a duty to use reasonable care in the investigation, licensing, supervision and/or monitoring of foster care facilities, homes and/or families with whom it places foster children.

62. At all times relevant and material hereto, defendant FOUNDLING had a duty to exercise reasonable care in the training of employees, agents, case workers and/or foster parents in the prevention of sexual abuse and protection of the safety of children in its care, custody and/or control.

63. At all times relevant and material hereto, defendant FOUNDLING had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of children in its care, custody and/or control.

64. At all times relevant and material hereto, defendant SISTERS owned, operated, maintained, controlled and/or were employed by defendant FOUNDLING.

65. At all times relevant and material hereto, defendant SISTERS was responsible for providing protection and safety and insure the well-being of New York City's children by providing foster care services for children who needed same.

66. At all times relevant and material hereto, defendant SISTERS provided child welfare, child protective and child care services by contracting with defendant ACS and its predecessor agency, Bureau of Child Welfare, and/or otherwise agreeing to provide foster care services for children who needed same.

67. At all times relevant and material hereto, defendant SISTERS provided child welfare, child protective and child care services by providing foster care services which included providing a safe and stable home for foster children.

68. At all times relevant and material hereto, defendant SISTERS and Plaintiff were in a special relationship in which defendant SISTERS owed Plaintiff a duty of reasonable care to protect him from foreseeable harm.

69. At all times relevant and material hereto, defendant SISTERS and Vincent Manniello were in a special relationship in which Defendant SISTERS owed a duty to control the acts and conduct of Vincent Manniello to prevent foreseeable harm.

70. At all times relevant and material hereto, defendant SISTERS and/or its predecessor entity, was the legal guardian of Plaintiff and owed Plaintiff a duty of reasonable care to protect her from foreseeable harm.

71. At all times relevant and material hereto, defendant SISTERS owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while she was under its care and custody. Defendant SISTERS's duty encompassed using reasonable care in the supervision of children in its custody and control, as well as a duty to use reasonable care in the retention and supervision of foster parents such as Vincent Manniello.

72. At all times relevant and material hereto, defendant SISTERS had a duty to use reasonable care in the investigation, licensing, supervision and/or monitoring of foster care facilities, homes and/or families with whom it places foster children and/or to develop or implement programs, guidelines, procedures and/or training to prevent the abuse of foster children placed within foster care facilities, homes and/or families.

73. At all times relevant and material hereto, defendant SISTERS had a duty to exercise reasonable care in the training of employees, agents, case workers and/or foster parents in the prevention of sexual abuse and protection of the safety of children in its care, custody and/or control.

74. At all times relevant and material hereto, defendant SISTERS had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of children in its care, custody and/or control.

75. At all times relevant and material hereto, defendant CATHOLIC CHARITIES owned, operated, maintained, controlled and/or were employed by defendant FOUNDLING.

76. CATHOLIC CHARITIES is a federation of approximately 90 agencies that provided various services, including foster care services. Defendant FOUNDLING is a member or otherwise part of the federation of agencies under the purview of defendant CATHOLIC CHARITIES.

77. At all material times defendant CATHOLIC CHARITIES, as principal, and defendant FOUNDLING, as agent, were in an agency relationship, such that defendant FOUNDLING acted on the CATHOLIC CHARITIES's behalf, in accordance with the CATHOLIC CHARITIES's instructions and directions on all matters, including those relating the conducting of foster care services and the placement of foster children. The acts and omissions of FOUNDLING were subject to the CATHOLIC CHARITIES's plenary control, and FOUNDLING consented to act subject to the CATHOLIC CHARITIES's control.

78. At all material times, the CATHOLIC CHARITIES and Plaintiff were in a special relationship in which the CATHOLIC CHARITIES owed Plaintiff a duty of reasonable care to prevent foreseeable harm.

79. At all material times, the CATHOLIC CHARITIES and Vincent Manniello were in a special relationship, in which the CATHOLIC CHARITIES owed a duty to control the acts and conduct of Vincent Manniello to prevent foreseeable harm.

80. Defendant CATHOLIC CHARITIES owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while she was under the care, custody or in the presence of the CATHOLIC CHARITIES and/or its agents and employees. The CATHOLIC CHARITIES's duties encompassed using reasonable care in the retention and supervision of Vincent Manniello and its agents and employees and the duty to otherwise provide a safe environment for Plaintiff.

81. At all times relevant and material hereto, defendant ARCHDIOCESE owned, operated, maintained, and/or controlled defendant FOUNDLING.

82. At all material times defendant ARCHDIOCESE, as principal, and defendant FOUNDLING, as agent, were in an agency relationship, such that defendant FOUNDLING acted on the ARCHDIOCESE's behalf, in accordance with the ARCHDIOCESE's instructions and directions on all matters, including those relating the conducting of foster care services and the placement of foster children. The acts and omissions of FOUNDLING were subject to the ARCHDIOCESE's plenary control, and FOUNDLING consented to act subject to the ARCHDIOCESE's control.

83. At all material times, the ARCHDIOCESE and Plaintiff were in a special relationship in which the ARCHDIOCESE owed Plaintiff a duty of reasonable care to prevent foreseeable harm.

84. At all material times, the ARCHDIOCESE and Vincent Manniello were in a special relationship, in which the ARCHDIOCESE owed a duty to control the acts and conduct of Vincent Manniello to prevent foreseeable harm.

85. The ARCHDIOCESE owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while she was under the care, custody or in the presence of the ARCHDIOCESE and/or its agents and employees. The ARCHDIOCESE's duties encompassed using reasonable care in the retention and supervision of Vincent Manniello and its agents and employees and the duty to otherwise provide a safe environment for Plaintiff.

BREACH

86. At all relevant times, there were substantial and serious structural flaws in the foster care system designed and/or implemented by Defendants, and as a result Plaintiff was repeatedly sexually abused from approximately 1957-1971.

87. The Defendants breached their duties by (i) failing to protect Plaintiff from sexual abuse, sexual assault and lewd and lascivious acts committed by Vincent Manniello; (ii) failing to adequately, properly and completely investigate the reported sexual and physical abuse of Plaintiff; (iii) failing to remove Plaintiff from the care, custody and control of Vincent Manniello when they became aware of the sexual abuse of Plaintiff; (iv) failing to establish policies and procedures that were adequate to protect the health, safety and welfare of children and protect them from sexual abuse; (v) failing to implement and enforce policies and procedures that were adequate to protect the health, safety and welfare of foster children and protect them from sexual and physical abuse;

(vi) retaining and/or failing to supervise Vincent Manniello when they knew or should have known that he posed a substantial risk of harm to foster children; (vii) failing to make any inquiry into the background of Vincent Manniello before engaging him to perform foster care activities when they knew or should have known that Vincent Manniello had a propensity to sexually abuse children; (viii) failing to adequately monitor and supervise Plaintiff; (ix) failing to adequately hire and train employees, agents and case workers; (x) concealing their knowledge that Vincent Manniello was unsafe and engaged in sexual abuse; and (xi) failing to report the sexual and physical abuse of Plaintiff to law enforcement.

NATURE OF ALLEGED CONDUCT

88. This action alleges physical, psychological and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 – 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 – 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 – 130.77).

89. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendants acted with reckless disregard for the safety Plaintiff, or knowingly or intentionally, in concert with its agents and employees, to retain permit Vincent Manniello unfettered access to foster children.

COUNT I - NEGLIGENCE
(against Defendant CITY)

90. Plaintiff repeats and realleges Paragraphs 1 through 89 above.

91. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered

and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

92. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of N.R. and other children.

COUNT II - NEGLIGENCE
(against Defendant ACS)

93. Plaintiff repeats and realleges Paragraphs 1 through 89 above.

94. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

95. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of N.R. and other children.

COUNT III - NEGLIGENCE
(against Defendant FOUNDLING)

96. Plaintiff repeats and realleges Paragraphs 1 through 89 above.

97. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

98. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of N.R. and other children.

COUNT IV - NEGLIGENCE
(against Defendant SISTERS)

99. Plaintiff repeats and realleges Paragraphs 1 through 89 above.

100. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered

and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

101. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of N.R. and other children.

COUNT V - NEGLIGENCE
(against Defendant CATHOLIC CHARITIES)

102. Plaintiff repeats and realleges Paragraphs 1 through 89 above.

103. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

104. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of N.R. and other children.

COUNT VI - NEGLIGENCE
(against Defendant ARCHDIOCESE)

105. Plaintiff repeats and realleges Paragraphs 1 through 89 above.

106. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

107. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of N.R. and other children.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

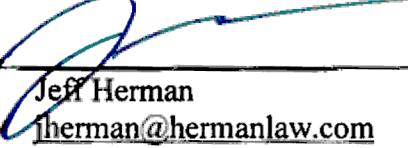
DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Dated: New York, New York
November 1, 2019

Respectfully submitted,

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